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THE ILLINOIS BEAUTY CULTURE ACT

STATE OF ILLINOIS
OTTO KERNER, Governor



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DEPARTMENT OF
UNIVERSITY OF ILLINOIS
REGISTRATION AND EDUCATION

WILLIAM SYLVESTER WHITE, Director

SPRINGFIELD

1964

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925, as amended and to add Sections 5-b and 5-c thereto.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (Amended by Act approved July 15, 1963.)

Sec. 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, knead-

ing, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

Sec. 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

Sec. 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

Sec. 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to

the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 15, 1963.)

Sec. 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than 1,000 hours extending over a period of not less than 6 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amended by Act approved July 15, 1963.)

Sec. 5a. Repealed by Act approved July 24, 1945.

Sec. 5-b. No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Regis-

tration and Education and complying with the following:

1. Present to the Department for approval, (a) A floor plan drawing according to a given scale, showing every detail of the proposed school, (b) A commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that he possesses sufficient liquid assets to meet the prospective expenses of such school for a period of one year.

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by Act approved July 15, 1963.)

Sec. 5-c. No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall

pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violation of any of the foregoing provisions, or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by Act approved July 15, 1963.)

Sec. 6. A person is qualified to receive a certificate as a registered apprentice:

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and
- (d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and
- (e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declara-

tion, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amended by Act approved July 15, 1963.)

Sec. 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 15, 1963.)

Sec. 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

Sec. 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of

America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least 250 hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from such school. Such an applicant shall not subsequently be admitted to an examination

to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (Amended by Act approved July 15, 1963.)

Sec. 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction;

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not

sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

Sec. 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

Sec. 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service,

said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

Sec. 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

Sec. 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not

a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

Sec. 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

Sec. 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

Sec. 12-i. Repealed. (Act approved July 30, 1949.)

Sec. 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the

Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is \$20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is \$3.

The fee to be paid by an applicant to determine his preliminary education is \$5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is \$30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is \$5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is \$5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is \$50.

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is \$10.

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is \$5.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a school or college of beauty culture is \$100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is \$20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is \$50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is \$5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is \$5 plus all lapsed fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only which has expired for more than 5 years is \$50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is \$5 plus all lapsed renewal fees. (Amended by Act approved July 15, 1963.)

Sec. 15. Repealed by Act approved July 10, 1935.

Sec. 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or

whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

Sec. 16. Whoever violates any of the following shall, for the first offense, be fined not less than \$100 nor more than \$500; for the second offense, be fined not less than \$500 nor more than \$1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a

certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

Sec. 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

Sec. 17a, Sec. 17b. Repealed by Act approved July 24, 1945.

Sec. 18. This Act may be known and cited as "The Illinois Beauty Culture Act."



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DEPARTMENT OF
REGISTRATION AND EDUCATION

JOHN C. WATSON, Director

SPRINGFIELD

1965

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925, as amended and to add Sections 5-b and 5-c thereto.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (Amended by Act approved July 15, 1963.)

Sec. 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, knead-

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ing, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

Sec. 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

Sec. 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

Sec. 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to

the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 15, 1963.)

Sec. 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than 1,000 hours extending over a period of not less than 6 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amended by Act approved July 15, 1963.)

Sec. 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has either studied beauty culture for 18 months and not less than 2625 hours as a registered apprentice under a beauty culturist registered under the laws of this State or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than 1,500 hours extending over a period of not less than 9 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amendatory Act effective 8-1-66.)

Sec. 5a. Repealed by Act approved July 24, 1945.

Sec. 5-b. No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Regis-

tration and Education and complying with the following:

1. Present to the Department for approval, (a) A floor plan drawing according to a given scale, showing every detail of the proposed school, (b) A commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that he possesses sufficient liquid assets to meet the prospective expenses of such school for a period of one year.

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by Act approved July 15, 1963.)

Sec. 5-c. No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall

pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violation of any of the foregoing provisions, or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by Act approved July 15, 1963.)

Sec. 6. A person is qualified to receive a certificate as a registered apprentice:

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and
- (d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and
- (e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declara-

tion, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amended by Act approved July 15, 1963.)

Sec. 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; such beauty culturist must have a high school education, or the equivalent thereof, be at least 21 years of age and maintain a complete library similar to those required to be kept by registered beauty culture schools; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amendatory Act effective 8-1-66.)

Sec. 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty

culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 15, 1963.)

Sec. 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

Sec. 10. Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required re-

newal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of

beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least 250 hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from such school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (Amended by Act approved July 15, 1963.)

Sec. 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction;

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertisting by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may

resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

Sec. 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

Sec. 12-b. Any Circuit Court or any judge thereof, upon the application of the accused person or complainant or of the Department, many by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a cer-

tificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall

be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

Sec. 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

Sec. 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

Sec. 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

Sec. 12-h. Repealed by act approved Aug. 24, 1965. L. 1965, p., H. B. No. 885. This section was also amended by act approved Aug. 24, 1965. L. 1965, p., S. B. No. 920, enacted at the same session of the Legislature, to read: "Appeals from all final orders and judgments entered by a circuit court in review of a final administrative decision of the Department may be taken by either party to the action and shall be governed by the rules applying to other civil cases."

Section added: L. 1935, p. 232.

Sec. 12-i. Repealed. (Act approved July 30, 1949.)

Sec. 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign

country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is \$20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is \$3.

The fee to be paid by an applicant to determine his preliminary education is \$5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is \$30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is \$5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is \$5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is \$50.

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is \$10.

The fee to be paid by an applicant upon filing an application for change of name and

issuance of a certificate of registration thereon is \$5.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a school or college of beauty culture is \$100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is \$20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is \$50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is \$5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is \$5 plus all lapsed fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only which has expired for more than 5 years is \$50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is \$5 plus all lapsed renewal fees. (Amended by Act approved July 15, 1963.)

Sec. 15. Repealed by Act approved July 10, 1935.

Sec. 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been

issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

Sec. 16. Whoever violates any of the following shall, for the first offense, be fined not less than \$100 nor more than \$500; for the second offense, be fined not less than \$500 nor more than \$1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

Sec. 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

Sec. 17a, Sec. 17b. Repealed by Act approved July 24, 1945.

Sec. 18. This Act may be known and cited as "The Illinois Beauty Culture Act."

APPENDIX

SANITARY RULES FOR BEAUTY CULTURE SHOPS

- A. All persons practicing beauty culture as defined must provide quarters that have been either designed or altered to accommodate these services, equipped to give adequate service to patrons and subject to inspection by the constituted authorities.
- B. The use of the beauty culture shop as living quarters is prohibited. If a beauty culture shop is located in a private residence or in connection with some business, a separate room and an adequate entrance must be provided for the beauty culture shop.
- C. The location of a beauty culture shop in a building occupied or frequented by persons of an immoral character is prohibited. The use of a beauty culture shop for immoral purposes shall be sufficient cause for automatic revocation of certificate of registration.
- D. Floors, walls, furniture and other fixtures must be kept clean at all times. All basins, containers, etc. must be sanitized immediately after using.
- E. Every owner of a beauty culture shop must provide an adequate supply of hot and cold water in such quantities as may be necessary to conduct said beauty culture shop in a sanitary manner.
- F. No owner or manager of a beauty culture shop shall knowingly permit any person suffering from a communicable disease, or from any venereal disease in a communicable form, to work in said beauty culture shop.
- G. Male and female beauticians must wear

clean professional, washable uniforms at all times.

- H. Clean towels shall be stored in a sanitary manner. Persons employed in a beauty culture shop shall use separate and clean towels for each patron. After a towel has been used once, it must be discarded in a separate container until properly laundered.
- I. The head rest of any facial chair shall be covered in a sanitary manner and changed after each patron.
- J. Combs and brushes must be cleansed thoroughly after each using, with soap and hot water, and immersed in an approved germicidal solution for the required time as per manufacturers instructions, removed and rinsed in hot water, dried and placed in a closed container.
- K. Glass or metal articles which cannot be boiled must be cleansed in soap and water, wiped in a 70% alcohol solution and kept in a closed container.
- L. No employee of any beauty culture shop shall massage any person when the surface to be massaged is inflamed or broken out, or contains pus.
- M. Every person engaged in a beauty culture shop must thoroughly cleanse his or her hands immediately before and after serving each patron.
- N. All powders, lotions, creams, and other cosmetics used for patrons must be kept in clean and closed containers.
- O. Powder must be in shakers or similar receptacles. Open powder boxes must not be used for patrons.
- P. Lotions or fluids must be poured into sterile containers and applied to patron by means of sanitary applicators.
- Q. Creams and other semi-solid substances must be removed from the container with a sterile article or spatula. Removing such

- substances with the fingers is prohibited.
- R. Cosmetics must be removed by means of absorbent soft paper, or other disposable material.
 - S. All persons engaged in a beauty culture shop must display certificate of registration in a conspicuous place, preferably at the station where such person is employed.
 - T. No animals or pets shall be kept in or allowed to enter a beauty culture shop.
 - U. Violations of any of these rules and regulations shall result in refusal to renew, or in suspension or revocation of registration of said certificate.
 - V. Enforcement of the above sanitary rules authorized by law, through local Board of Health.

APPROVED:
June 19, 1964

FRANKLIN YODER, M.D.
Director of Public Health
APPROVED:
June 25, 1964

JOHN C. WATSON
Director of Registration
and Education



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The Illinois Beauty Culture Act

Ill. Rev. Stat. 1967 Chap. 16¾ Sec. 15 to 32

STATE OF ILLINOIS

SAMUEL H. SHAPIRO, Governor



**DEPARTMENT OF
REGISTRATION AND EDUCATION**

**JOHN C. WATSON, Director
SPRINGFIELD, ILLINOIS 62706**

1968

(Printed by Authority of the State of Illinois)

BEAUTY CULTURE

Act of June 30, 1925.

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BEAUTY CULTURE

AN ACT relating to the practice of beauty culture. [Approved June 30, 1925.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Prohibited acts.] It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist, issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturists without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (As amended by act approved July 15, 1963.)

Sec. 2. [Practice defined.] Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois" approved June 10, 1909, as amended.

Sec. 3. [Apprentices — Regulations.] No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by act approved July 24, 1945.)

Sec. 4. [Exceptions to Act.] The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologist, from which the general public is excluded. (As amended by act approved July 11, 1955.)

Sec. 4a. [Powers and duties of department.]

The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (As amended by act approved July 15, 1963.)

Sec. 5. [Certificate of registration—Qualifications.] A person is qualified to receive a certificate of registration as a registered beauty culturist:

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and
- (d) Who has either studied beauty culture for 18 months and not less than 2625 hours as a registered apprentice under a beauty culturist registered under the laws of this State or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and education unless it has a minimum requirement of a course of study consisting of not less than 1,500 hours extending over a period of not less than 9 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and
- (e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a cer-

tificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

Sec. 5a. Repealed by act approved July 24, 1945.

Sec. 5b. [Requisites for ownership or operation of school.] No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Registration and Education and complying with the following:

1. Present to the Department for approval (a) A floor plan drawing according to a given scale, showing every detail of the proposed school, (b) A commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that he possesses sufficient liquid assets to meet the prospective expenses of such school for a period of one year.

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by act approved July 15, 1963.)

Sec. 5c. [Operation of beauty culture shop—Certificate of registration—Standards—Approval of shops—Revocation of certificate.] No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form

provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violations of any of the foregoing provisions or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by act approved July 15, 1963.)

Sec. 6. [Apprentices—Qualifications.] A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; such beauty culturist must have a high school education, or the equivalent thereof, be at least 21 years of age and maintain a complete library similar to those required to be kept by registered beauty culture schools; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

Sec. 7. [Applications.] Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Reg-

istration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. [Examination of applicants.] The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved July 15, 1963.)

Sec. 9. [Issuance of certificate.] Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (As amended by act approved July 24, 1945.)

Sec. 10. [Certificate of registration, display of.] Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business, or employment and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. [Certificate—Renewal—Expiration—Examination—Reexamination—Persons in military or naval service.] Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Aux-

iliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least 250 hours in the study of beauty culture not including the practical application; provided that nothing herein contained shall operate to prevent a registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not be granted a certificate as registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum

course of study required for graduation from such school. Such applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (As amended by act approved July 15, 1963.)

Sec. 12. [Refusal, suspension and revocation of certificates—Causes.] The Department of Registration and Education may refuse to renew, may suspend or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction in this or another State of any crime which is a felony under the laws of this State;

(b) Conviction of a felony in a federal court;

(c) Conviction of any of the misdemeanors listed in Section 16;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

- (f) Gross malpractice or gross incompetency;
- (g) Continued practice by a person knowingly having an infectious or contagious disease;
- (h) Advertising by means of knowingly false or deceptive statements;
- (i) Violating any of the sanitary regulations as provided in this Act;
- (j) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;
- (k) Immoral or unprofessional conduct;
- (m) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice. (As amended by act approved May 4, 1967.)

Sec. 12.1. [Refusal, suspension and revocation of certificates—Investigations—Notice and hearing.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as set forth in Section 12, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least 10 days prior to the date set for the hearing, notify in writing the applicant or the holder of that certificate of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by the delivery of the notice personally to the accused person, or by mailing the notice by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and

place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue a hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for not more than 30 days. (Added by act approved May 4, 1967.)

Sec. 12.2. [Suspension or revocation of certificates—Stamping—Persons in need of mental treatment — Resumption of practice.] Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp that certificate of registration with the words “suspended” or “revoked”, as the case may be, together with the date of the suspension or revocation.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person in need of mental treatment operates as a suspension of that certificate of registration. That person may resume his practice only upon a finding by the Beauty Culture Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. (Added by act approved May 4, 1967.)

Sec. 12a. [Department may take testimony—Oaths.] The Department shall have power to subpoena and bring before it any person in

this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by act approved July 10, 1935.)

Sec. 12b. [Attendance of witnesses and production of documents.] Any circuit court or any judge thereof, upon the application of the accused person or complaint or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for a refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Aug. 24, 1965.)

Sec. 12c. [Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such

hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by act approved July 10, 1935.)

Sec. 12d. [Report of committee—Rehearing.]
The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by act approved July 10, 1935.)

Sec. 12e. [Restoration of certificate.] At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by act approved July 10, 1935.)

Sec. 12f. [Judicial review.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of 5 cents per 100 words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (As amended by act approved Aug. 24, 1965.)

Sec. 12g. [Order prima facie evidence.] An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (As amended by act approved July 30, 1949.)

Sec. 12h. Repealed by act approved Aug. 24, 1965.

Sec. 12i. Repealed by act approved July 30, 1949.

Sec. 13. [Beauty culturists registered elsewhere.] Upon payment of the required fee, an applicant who is a beauty culturists registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United State or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. [Fees.] The fee to be paid by an applicant for an examination to determine his

fitness to receive a certificate of registration as a registered beauty culturist is \$20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is \$5.

The fee is to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is \$3.

The fee to be paid by an applicant to determine his preliminary education is \$5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is \$30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is \$5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is \$5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is \$50.

The fee to be paid for a second and subsequent examinations for registration as a registered beauty culturist is \$10.

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is \$5.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a school or college of beauty culture is \$100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is \$20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is \$50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is \$5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only which has expired for more than 5 years is \$50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is \$5 plus all lapsed renewal fees. (As amended by act approved July 15, 1963.)

Sec.15. Repealed by Act approved July 10, 1935.

Sec. 15a. [Practice without certificate or after suspension or revocation thereof.] The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served

upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by act approved July 10, 1953.)

Sec. 16. [Penalties.] Whoever violates any of the following shall, for the first offense, be fined not less than \$100 nor more than \$500; for the second offense, be fined not less than \$500 nor more than \$1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist:

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice:

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice:

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation:

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation:

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act:

(g) The violation of the provisions of Section 10 of this Act.

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education.

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently.

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act.

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (As amended by act approved July 24, 1951.)

Sec. 17. [Records.] The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every

registered beauty culturist and registered apprentice in this State.

Sec. 17a. Repealed by act approved July 24, 1945.

Sec. 18. [Title of Act.] This Act may be known and cited as "The Illinois Beauty Culture Act."

APPENDIX

SANITARY RULES FOR
BEAUTY CULTURE SHOPS

- A. All persons practicing beauty culture as defined must provide quarters that have been either designed or altered to accommodate these services, equipped to give adequate service to patrons and subject to inspection by the constituted authorities.
- B. The use of the beauty culture shop as living quarters is prohibited. If a beauty culture shop is located in a private residence or in connection with some business, a separate room and an adequate entrance must be provided for the beauty culture shop.
- C. The location of a beauty culture shop in a building occupied or frequented by persons of an immoral character is prohibited. The use of a beauty culture shop for immoral purposes shall be sufficient cause for automatic revocation of certificate of registration.
- D. Floors, walls, furniture and other fixtures must be kept clean at all times. All basins, containers, etc. must be sanitized immediately after using.
- E. Every owner of a beauty culture shop must provide an adequate supply of hot and cold water in such quantities as may be necessary to conduct said beauty culture shop in a sanitary manner.
- F. No owner or manager of a beauty culture shop shall knowingly permit any person suffering from a communicable disease, or from any venereal disease in a communicable form, to work in said beauty culture shop.

- G. Male and female beauticians must wear clean professional, washable uniforms at all times.
- H. Clean towels shall be stored in a sanitary manner. Persons employed in a beauty culture shop shall use separate and clean towels for each patron. After a towel has been used once, it must be discarded in a separate container until properly laundered.
- I. The head rest of any facial chair shall be covered in a sanitary manner and changed after each patron.
- J. Combs and brushes must be cleansed thoroughly after each using, with soap and hot water, and immersed in an approved germicidal solution for the required time as per manufacturers instructions, removed and rinsed in hot water, dried and placed in a closed container.
- K. Glass or metal articles which cannot be boiled must be cleansed in soap and water, wiped in a 70% alcohol solution and kept in a closed container.
- L. No employee of any beauty culture shop shall massage any person when the surface to be massaged is inflamed or broken out, or contains pus.
- M. Every person engaged in a beauty culture shop must thoroughly cleanse his or her hands immediately before and after serving each patron.
- N. All powders, lotions, creams, and other cosmetics used for patrons must be kept in clean and closed containers.
- O. Powder must be in shakers or similar receptacles. Open powder boxes must not be used for patrons.
- P. Lotions or fluids must be poured into sterile containers and applied to patron by means of sanitary applicators.

- Q. Creams and other semi-solid substances must be removed from the container with a sterile article or spatula. Removing such substances with the fingers is prohibited.
- R. Cosmetics must be removed by means of absorbent soft paper, or other disposable material.
- S. All persons engaged in a beauty culture shop must display certificate of registration in a conspicuous place, preferably at the station where such person is employed.
- T. No animals or pets shall be kept in or allowed to enter a beauty culture shop.
- U. Violations of any of these rules and regulations shall result in refusal to renew, or in suspension or revocation of registration of said certificate.
- V. Enforcement of the above sanitary rules authorized by law, through local Board of Health.

APPROVED:
June 19, 1964

FRANKLIN YODER, M.D.
Director of Public Health

APPROVED:
June 25, 1964

JOHN C. WATSON
Director of Registration
and Education



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The Illinois Beauty Culture Act

Ill. Rev. Stat. 1967 Chap. 16 $\frac{3}{4}$ Sec. 15 to 32



STATE OF ILLINOIS
RICHARD B. OGILVIE, Governor

DEPARTMENT OF
REGISTRATION AND EDUCATION

WILLIAM H. ROBINSON, Director

SPRINGFIELD, ILLINOIS 62706

1970 FEB 4 1971

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BEAUTY CULTURE

Act of June 30, 1925.

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BEAUTY CULTURE

AN ACT relating to the practice of beauty culture. [Approved June 30, 1925.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Prohibited acts.] It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist, issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturists without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (As amended by act approved July 15, 1963.)

Sec. 2. [Practice defined.] Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois" approved June 10, 1909, as amended.

Sec. 3. [Apprentices — Regulations.] No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by act approved July 24, 1945.)

Sec. 4. [Exceptions to Act.] The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologist, from which the general public is excluded. (As amended by act approved July 11, 1955.)

Sec. 4a. [Powers and duties of department.]

The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (As amended by act approved July 15, 1963.)

Sec. 5. [Certificate of registration—Qualifications.] A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has either studied beauty culture for 18 months and not less than 2625 hours as a registered apprentice under a beauty culturist registered under the laws of this State or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and education unless it has a minimum requirement of a course of study consisting of not less than 1,500 hours extending over a period of not less than 9 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a cer-

tificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

Sec. 5a. Repealed by act approved July 24, 1945.

Sec. 5b. [Requisites for ownership or operation of school.] No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Registration and Education and complying with the following:

1. Present to the Department for approval
 - (a) A floor plan drawing according to a given scale, showing every detail of the proposed school,
 - (b) A commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and
 - (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that he possesses sufficient liquid assets to meet the prospective expenses of such school for a period of one year.

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by act approved July 15, 1963.)

Sec. 5c. [Operation of beauty culture shop—Certificate of registration—Standards—Approval of shops—Revocation of certificate.] No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form

provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violations of any of the foregoing provisions or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by act approved July 15, 1963.)

Sec. 6. [Apprentices—Qualifications.] A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; such beauty culturist must have a high school education, or the equivalent thereof, be at least 21 years of age and maintain a complete library similar to those required to be kept by registered beauty culture schools; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

Sec. 7. [Applications.] Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Reg-

istration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. [Examination of applicants.] The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved July 15, 1963.)

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

Sec. 9. [Issuance of certificate.] Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the

case may be. (As amended by act approved July 24, 1945.)

Sec. 10. [Certificate of registration, display of.] Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business, or employment and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. [Certificate—Renewal—Expiration—Examination—Reexamination—Persons in military or naval service.] Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least 250 hours in the study of beauty culture not including the practical application; provided that nothing herein contained shall operate to prevent a registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not be granted a certificate as registered apprentice in

a beauty culture establishment under the personal supervision of a beauty culturist but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from such school. Such applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (As amended by act approved July 15, 1963.)

Sec. 12. [Refusal, suspension and revocation of certificates—Causes.] The Department of Registration and Education may refuse to renew, may suspend or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction in this or another State of any crime which is a felony under the laws of this State;

(b) Conviction of a felony in a federal court;

(c) Conviction of any of the misdemeanors listed in Section 16;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(f) Gross malpractice or gross incompetency;

(g) Continued practice by a person knowingly having an infectious or contagious disease;

(h) Advertising by means of knowingly false or deceptive statements;

(i) Violating any of the sanitary regulations as provided in this Act;

(j) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(k) Immoral or unprofessional conduct;

(m) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice. (As amended by act approved May 4, 1967.)

Sec. 12.1. [Refusal, suspension and revocation of certificates—Investigations—Notice and hearing.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as set forth in Section 12, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least 10 days prior to the date set for the hearing, notify in writing the applicant or the holder of that certificate of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by the delivery of the notice personally to the accused person, or by mailing the notice by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and

place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue a hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for not more than 30 days. (Added by act approved May 4, 1967.)

Sec. 12.2. [Suspension or revocation of certificates—Stamping—Persons in need of mental treatment — Resumption of practice.] Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp that certificate of registration with the words “suspended” or “revoked”, as the case may be, together with the date of the suspension or revocation.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person in need of mental treatment operates as a suspension of that certificate of registration. That person may resume his practice only upon a finding by the Beauty Culture Committee that he has been determined to be recovered from mental illness by the court and upon the Committee’s recommendation to the Director that he be permitted to resume his practice. (Added by act approved May 4, 1967.)

Sec. 12a. [Department may take testimony—Oaths.] The Department shall have power to subpoena and bring before it any person in

this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by act approved July 10, 1935.)

Sec. 12b. [Attendance of witnesses and production of documents.] Any circuit court or any judge thereof, upon the application of the accused person or complaint or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for a refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Aug. 24, 1965.)

Sec. 12c. [Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such

hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by act approved July 10, 1935.)

Sec. 12d. [Report of committee—Rehearing.]
The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by act approved July 10, 1935.)

Sec. 12e. [Restoration of certificate.] At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by act approved July 10, 1935.)

Sec. 12f. [Judicial review.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of 5 cents per 100 words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (As amended by act approved Aug. 24, 1965.)

Sec. 12g. [Order prima facie evidence.] An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (As amended by act approved July 30, 1949.)

Sec. 12h. Repealed by act approved Aug 24, 1965.

Sec. 12i. Repealed by act approved July 30 1949.

Sec. 13. [Beauty culturists registered elsewhere.] Upon payment of the required fee, an applicant who is a beauty culturists registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. [Fees.] The fee to be paid by an applicant for an examination to determine his

fitness to receive a certificate of registration as a registered beauty culturist is \$20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is \$5.

The fee is to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is \$3.

The fee to be paid by an applicant to determine his preliminary education is \$5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is \$30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is \$5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is \$5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is \$50.

The fee to be paid for a second and subsequent examinations for registration as a registered beauty culturist is \$10.

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is \$5.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a school or college of beauty culture is \$100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is \$20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is \$50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is \$5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only which has expired for more than 5 years is \$50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is \$5 plus all lapsed renewal fees. (As amended by act approved July 15, 1963.)

Sec.15. Repealed by Act approved July 10, 1935.

Sec. 15a. [Practice without certificate or after suspension or revocation thereof.] The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served

upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by act approved July 10, 1953.)

Sec. 16. [Penalties.] Whoever violates any of the following shall, for the first offense, be fined not less than \$100 nor more than \$500; for the second offense, be fined not less than \$500 nor more than \$1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist:

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice:

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice:

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation:

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation:

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act:

(g) The violation of the provisions of Section 10 of this Act.

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education.

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently.

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act.

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (As amended by act approved July 24, 1951.)

Sec. 17. [Records.] The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every

registered beauty culturist and registered apprentice in this State.

Sec. 17a. Repealed by act approved July 24, 1945.

Sec. 18. [Title of Act.] This Act may be known and cited as "The Illinois Beauty Culture Act."

APPENDIX

SANITARY RULES FOR
BEAUTY CULTURE SHOPS

- A. All persons practicing beauty culture as defined must provide quarters that have been either designed or altered to accommodate these services, equipped to give adequate service to patrons and subject to inspection by the constituted authorities.
- B. The use of the beauty culture shop as living quarters is prohibited. If a beauty culture shop is located in a private residence or in connection with some business, a separate room and an adequate entrance must be provided for the beauty culture shop.
- C. The location of a beauty culture shop in a building occupied or frequented by persons of an immoral character is prohibited. The use of a beauty culture shop for immoral purposes shall be sufficient cause for automatic revocation of certificate of registration.
- D. Floors, walls, furniture and other fixtures must be kept clean at all times. All basins, containers, etc. must be sanitized immediately after using.
- E. Every owner of a beauty culture shop must provide an adequate supply of hot and cold water in such quantities as may be necessary to conduct said beauty culture shop in a sanitary manner.
- F. No owner or manager of a beauty culture shop shall knowingly permit any person suffering from a communicable disease, or from any venereal disease in a communicable form, to work in said beauty culture shop.

- G. Male and female beauticians must wear clean professional, washable uniforms at all times.
- H. Clean towels shall be stored in a sanitary manner. Persons employed in a beauty culture shop shall use separate and clean towels for each patron. After a towel has been used once, it must be discarded in a separate container until properly laundered.
- I. The head rest of any facial chair shall be covered in a sanitary manner and changed after each patron.
- J. Combs and brushes must be cleansed thoroughly after each using, with soap and hot water, and immersed in an approved germicidal solution for the required time as per manufacturers instructions, removed and rinsed in hot water, dried and placed in a closed container.
- K. Glass or metal articles which cannot be boiled must be cleansed in soap and water, wiped in a 70% alcohol solution and kept in a closed container.
- L. No employee of any beauty culture shop shall massage any person when the surface to be massaged is inflamed or broken out, or contains pus.
- M. Every person engaged in a beauty culture shop must thoroughly cleanse his or her hands immediately before and after serving each patron.
- N. All powders, lotions, creams, and other cosmetics used for patrons must be kept in clean and closed containers.
- O. Powder must be in shakers or similar receptacles. Open powder boxes must not be used for patrons.
- P. Lotions or fluids must be poured into sterile containers and applied to patron by means of sanitary applicators.

- Q. Creams and other semi-solid substances must be removed from the container with a sterile article or spatula. Removing such substances with the fingers is prohibited.
- R. Cosmetics must be removed by means of absorbent soft paper, or other disposable material.
- S. All persons engaged in a beauty culture shop must display certificate of registration in a conspicuous place, preferably at the station where such person is employed.
- T. No animals or pets shall be kept in or allowed to enter a beauty culture shop.
- U. Violations of any of these rules and regulations shall result in refusal to renew, or in suspension or revocation of registration of said certificate.
- V. Enforcement of the above sanitary rules authorized by law, through local Board of Health.

APPROVED:
June 19, 1964

FRANKLIN YODER, M.D.
Director of Public Health
APPROVED:
June 25, 1964

WILLIAM H. ROBINSON,
Director of Registration
and Education



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The Illinois Barber Law

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1971

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BARBERS

AN ACT in relation to the practice of barbering, to prescribe penalties for the violation thereof, and to repeal an Act therein named. (Approved July 18, 1947.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Registered barber—Necessity of certificate.] It is unlawful for any person to practice or attempt to practice barbering without a valid and current certificate of registration as a registered barber, issued by the Department of Registration and Education, hereinafter called the Department. (As amended by act approved August 3, 1965.)

Sec. 2. [Apprentice—Necessity of certificate.] It is unlawful for any person to serve or attempt to serve as an apprentice barber without a valid and current certificate of registration as a registered apprentice barber issued by the Department. It is unlawful for a registered apprentice barber to serve as such except under the immediate personal supervision of the registered barber designated in the application of such apprentice barber. (As amended by act approved August 3, 1965.)

Sec. 2a. [Apprentice—Physical presence of registered barber.] It is unlawful for a registered apprentice barber to serve as such unless the registered barber under whose supervision he so serves is physically present the major part of each working day.

The phrase "the major part of each working day" in the paragraph above means all of each working day in which barber services are rendered except for lunch periods or other equally temporary absences. (Added by act approved August 3, 1965.)

Sec. 3. [Certificate of registration to attend barber school required.] It is unlawful for any person to attend a barber school or college without a certificate of registration as a student barber, issued by the Department. It is unlawful for a student to study barbering except in the recognized barber school or college designated in his application.

Sec. 3a. [Teaching other than holder of certificate of registration as barber student.] It is unlawful for a barber school or college holding a valid and current certificate under this Act to teach barbering to any person who is not the holder of a valid and current certificate of registration as a barber student issued by the Department except as provided in paragraph (g) of Section 22 of this Act. (Added by act approved August 3, 1965.)

Sec. 4. [Certificate of registration to conduct school.] It is unlawful for any person, firm or corporation to own, operate or conduct a school or college of barbering without a certificate of registration issued by the Department.

Sec. 4a. [Teachers—Certificate of registration—Unauthorized acts.] It is unlawful for any person who is not the holder of a valid and current certificate of registration as a practical and/or theory barber teacher to teach or to attempt to teach the theory or practice of barbering in any barber school or college approved by the department.

It is unlawful for a barber teacher to teach or to attempt to teach barber subjects which he is not certificated by the Department to teach. (Added by act approved August 3, 1965.)

Sec. 5. [Practice of barbering defined.] Any one or any combination of the following practices constitutes the practice of barbering: To

shave or trim the beard or cut the hair; to give facial and scalp massage or facial and scalp treatment with oils, creams or other preparations either by hand or by mechanical appliances; to singe or shampoo the hair or apply a hair tonic; or to dye or tint the hair of any person: Provided, that any person registered under the provisions of "An Act relating to the practice of beauty culture", approved June 30, 1925, as amended, shall be exempt from the provisions of this Act insofar as the practice of beauty culture under the provisions of said Act is authorized.

Sec. 6. [Functions, powers and duties of Department.] The Department shall exercise, but subject to the provisions of this Act, the following functions, powers and duties: (a) ascertain the qualifications and fitness of applicants for certificates of registration, by examination or otherwise, and pass upon the qualifications of applicants for reciprocal licenses and certificates; (b) prescribe rules and regulations for a method of examination of applicants; (c) prescribe rules and regulations defining what shall constitute a school or college reputable and in good standing by reference to a compliance with such rules and regulations: Provided, that no school or college that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing; (d) establish a standard of preliminary education deemed requisite to admission to a barber school or college, and to require satisfactory proof of the enforcement of such standard by said schools or colleges; (e) conduct hearings on proceedings to revoke, suspend or refuse renewal of certificates of persons applying for registration or registered under this Act and to revoke, suspend or refuse to renew such certificates; and (f) formulate rules and regulations when required

in the administration of this Act, and (g) the Department may conduct examinations in English or, may in its discretion conduct such examinations in Spanish if requested to do so by an applicant who gives sufficient notice of his request prior to the date of the examination. (As amended by act approved September 20, 1971.)

Sec. 7. [Barber committee—Re-examination.] None of the functions, powers and duties enumerated in Section 6 shall be exercised by the Department except upon the action and report in writing of the Barber Committee, hereinafter called the Committee, which shall be composed of 5 barbers designated from time to time by the Director of the Department of Registration and Education, hereinafter called the Director, none of whom is the owner or a stockholder of a barber school or college or a manufacturer or jobber or stockholder in any factory of barber supplies or other barber articles and each of whom shall have been actually engaged in the practice of barbering and shall have held a certificate of registration as a registered barber for at least 5 years preceding his designation. In making the designation of persons to act the Director shall give due consideration to recommendations by chartered statewide barber organizations. The action or report in writing of a majority of the Committee shall be sufficient authority upon which the Director may act. Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (As amended by act approved August 3, 1965.)

Sec. 8. [Qualifications for student barber.] A person is qualified to receive a certificate of registration as a student barber who is: (a) at least 16½ years of age, (b) of good moral

character and temperate habits, (c) free from infectious or contagious disease, (d) about to enroll in and who contemplates attending a recognized school or college of barbering, and (e) a citizen of the United States or has made a declaration of intention to become a citizen or has filed a petition for naturalization within thirty days after becoming eligible to do so; provided that no person who shall matriculate in a school or college of barbering after September 1, 1951, shall be qualified to receive a certificate of registration as an apprentice barber or a registered barber unless, in addition to the other qualifications enumerated in this Section, he has satisfactorily completed and received credit for at least two years high school education in a school approved by the Department or has completed such work as is recognized by the Department as equivalent of such high school education.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.

Every application for a certificate of registration as a student barber shall be accompanied by a report which complies with Section 22b of this Act, showing that such applicant is free of active tuberculosis. (As amended by act approved July 23, 1971.)

Sec. 9. [Renewal of certificate of registration as student barber.] Every holder of a certificate of registration as a student barber who has not completed his course of study shall annually on or before the first day of July of each year, renew his certificate of registration and pay the required renewal fee. The application for renewal shall be accompanied by a report, which complies with Section 22b of this Act, showing that such applicant is free of active tuberculosis. Every certificate of registration

which has not been renewed during the month of July in any year shall expire on the first day of August of that year: Provided, that no certificate of registration as a student barber shall be renewed if the holder thereof has completed the requirements prescribed for a certificate of registration as an apprentice barber, but the holder of such student barber certificate shall apply for a certificate of registration as an apprentice barber. In the event that a student barber is unsuccessful in his first or second examination to determine his fitness to receive a certificate of registration as an apprentice barber, upon application an extension of his certificate as a student shall be issued to expire not later than 60 days subsequent to the first or second next succeeding examination, whichever the applicant shall elect to take. (As amended by act approved July 20, 1967.)

Sec. 10. [Qualifications for apprentice barber—Certification of time of service.] A person is qualified to receive a certificate of registration as an apprentice barber: (a) who is at least seventeen years and three months of age, (b) who is of good moral character and temperate habits, (c) who is free from infectious or contagious disease, (d) who, while registered as a student barber, has satisfactorily completed a course of study in a recognized barber school or college designated by such student barber consisting of not less than 1,872 hours in a period of not less than 9 months as evidenced by a diploma; or who while serving in the military or naval forces of the United States acted as a barber for a period of 2 years, (e) who is about to serve as an apprentice barber under a registered barber, registered under the laws of this State, (f) who has passed an examination in the primary theory and practice of barber science and art including the following subjects in so far as they are related and applicable to the

practice of barber science and art: (1) anatomy, (2) physiology, (3) skin diseases, (4) hygiene and sanitation, (5) bacteriology, (6) barber history and law, (7) pharmacology, (8) electricity and light, (9) hair cutting, shaving and shampooing, (10) massaging, and (11) implements, (g) who is a citizen of the United States or has made a declaration of intention to become a citizen or has filed a petition for naturalization within thirty days after becoming eligible to do so; provided that no person who shall matriculate in a school or college of barbering after September 1, 1951, shall be qualified to receive a certificate of registration as an apprentice barber or a registered barber unless, in addition to the other qualifications enumerated in this Section, he has satisfactorily completed and received credit for at least two years high school education in a school approved by the Department or has completed such work as is recognized by the Department as the equivalent of such high school education.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.

It is the duty of the registered barber designated in the application of the apprentice barber to certify the length of time the registered apprentice barber served under his general supervision.

Every application for a certificate of registration as an apprentice barber shall be accompanied by a report which complies with Section 22b of this Act, showing that such applicant is free of active tuberculosis. (As amended by act approved July 23, 1971.)

Sec. 11. [Renewal of certificate of apprentice barber—Extension—Expiration of certificate while holder is in military or naval service.] Every holder

of a certificate of registration as an apprentice barber, who has not completed his apprenticeship shall annually on or before the first day of July of each year renew his certificate of registration and pay the required renewal fee. The application for renewal shall be accompanied by a report, which complies with Section 22b of this Act, showing such applicant is free of active tuberculosis. Every certificate of registration which has not been renewed during the month of July in any year shall expire on the first day of August of that year: Provided, that no certificate of registration as an apprentice barber shall be renewed if the holder thereof has completed the requirements prescribed for a certificate of registration as a registered barber, but the holder of such certificate shall apply for a certificate of registration as a registered barber.

In the event that an apprentice barber is unsuccessful in his first or second examination to determine his fitness to receive a certificate of registration as a registered barber, upon application, an extension of his certificate as an apprentice barber shall be issued to expire not later than 60 days subsequent to the first or second next succeeding examination, whichever the applicant shall elect to take: Provided, that any holder of a certificate of registration as an apprentice barber whose certificate of registration has expired while he has been engaged in federal service on active duty with the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, the United States Air Force, or the State Militia called into the service or training of the United States of America, or in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any

lapsed renewal or restoration fees or without passing an examination if within one year after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (As amended by act approved July 20, 1967.)

Sec. 12. [Operation of barber shop by apprentice forbidden—Number of apprentices.] It is unlawful for a registered apprentice barber to independently operate a barber shop. No person, firm or corporation operating a barber shop shall employ more than one registered apprentice barber for each registered barber employed therein. Not more than one registered apprentice barber shall be authorized to serve under the supervision of any one registered barber. Nothing in this Act shall make it unlawful for any registered barber to employ another registered barber.

Sec. 13. [Qualifications for registered barber.] A person is qualified to receive a certificate of registration as a registered barber: (a) who is at least 19½ years of age, (b) who is of good moral character and temperate habits, (c) who is free from infectious or contagious disease, (d) who, while registered as a student barber, has satisfactorily completed a course of study in a recognized barber school or college designated by such student barber, consisting of not less than 1,872 hours in a period of not less than nine months, as evidenced by a diploma or the affidavit of a member of the teaching staff, (e) who, while registered as an apprentice barber in this State, has served not less than 2¼ years under the registered barber designated in his application or one or more other registered barbers designated by such apprentice barber from time to time as provided in this Act, (f) who has

passed an examination in writing and by practical demonstration conducted by the Department to determine his fitness to receive a certificate of registration as a registered barber embracing the advanced theory and practice of barber science and art including the following subjects: (1) scientific scalp and facial treatments for cosmetic purposes, (2) use of creams, lotions and other preparations in conjunction with galvanic, faradic and high frequency electricity, (3) ultra violet radiation, (4) vibratory appliances and other hand or mechanical means, (5) barber shop management, (6) ethics, salesmanship, standardized services, (7) advanced hair cutting and shaving technique including scientific finishing and artistic grooming and (8) professional courtesy, (g) and who is a citizen of the United States or has made a declaration of intention to become a citizen or has filed a petition for naturalization within thirty days after becoming eligible to do so; provided that no person who shall matriculate in a school or college of barbering after September 1, 1951, shall be qualified to receive a certificate of registration as a registered barber unless, in addition to the other qualifications enumerated in this Section, he has satisfactorily completed and received credit for at least 2 years high school education in a school approved by the Department or has completed such work as is recognized by the Department as the equivalent of such high school education.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.

Every application for a certificate of registration as a registered barber shall be accompanied by a report which complies with

Section 22b of this Act, showing that such applicant is free of active tuberculosis. (As amended by act approved July 23, 1971.)

Sec. 14. [Renewal of certificate of barber—Restoration after 5 years expiration—Barbers in military or naval service.] Every holder of a certificate of registration as a registered barber, who continues in active practice, shall annually, on or before the first day of July of each year, renew his certificate of registration and pay the required renewal fee. The application for renewal shall be accompanied by a report, which complies with Section 22b of this Act, showing that such applicant is free of active tuberculosis. Every certificate of registration which has not been renewed during the month of July in any year, shall expire on the first day of August of that year. A registered barber whose certificate of registration has expired may have it restored immediately upon payment of the lapsed renewal and restoration fees: Provided, that not more than 5 years have elapsed since the date of expiration.

A registered barber whose certificate of registration has expired for more than 5 years may have it restored only by passing an examination conducted by the Department to determine his fitness for the restoration of such certificate as a registered barber and by paying the required restoration fee: Provided, that any registered barber whose certificate of registration has expired while he has been engaged in the federal service on active duty with the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, the United States Air Force, or the State Militia called into the service or training of the United States of America, or in training or education under the supervision of the United States preliminary to induction into the military

service, may have his certificate of registration restored without paying any lapsed renewal or restoration fees or without passing an examination, if within one year after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (As amended by act approved July 20, 1967.)

Sec. 15. [Application for certificate.] Every person who desires to obtain a certificate of registration shall apply therefor to the Department in writing on blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee. Every application for a certificate of registration or for a duplicate certificate, or for a renewal, restoration or extension of a certificate of registration shall be accompanied by a signed and dated photograph of the applicant taken not more than three years prior to the date of the application, the dimensions of which shall be prescribed by the Department, which photograph shall be affixed to the certificate of registration issued to the applicant.

Sec. 16. [Examination.] The Department shall hold examinations of applicants for certificates of registration as apprentice barbers or registered barbers at such times and places as it may determine, but not less than four times each year, and the Department shall endeavor to hold such examinations in cities in different parts of the State for the convenience of the applicants. The examination of the applicant shall include both practical demonstrations and written tests and shall embrace the subjects outlined in Sections 10

and 13 of this Act.

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. (As amended by act approved May 15, 1969.)

Sec. 17. [Certificate of registration—Issuance—Contents.] Whenever the provisions of this Act have been complied with, the Department shall issue a certificate of registration as a registered barber or as an apprentice barber, or as a student barber, as the case may be. This certificate shall show the name and the business location of each certificate holder, the date of expiration and, in the case of an apprentice barber, the name of the registered barber under whom he is serving, and in the case of a student barber, the name of the barber school or college which he is attending.

Sec. 18. [Display of certificate.] It is the duty of each certificate holder to conspicuously display his certificate at all times in front of his workstand or mirror where it may readily be seen by all persons whom he serves.

Sec. 19. Repealed by act approved July 10, 1953.

Sec. 20. [Duplicate or new certificate.] If the loss or destruction of a certificate of registration is shown to the satisfaction of the Department, a duplicate shall be issued upon payment of the required fee. If the name of the holder of a certificate of registration is changed by court order, marriage, or otherwise, a new certificate may be issued upon receipt of satisfactory evidence showing the new name of the holder of a certificate of registration upon

payment of the required fee.

Sec. 21. [Barbers from other states or countries.] The Department may, in its discretion, issue a certificate of registration as a registered barber to any applicant who is at least twenty-one (21) years of age, of good moral character and temperate habits, free from infectious or contagious disease, has satisfactorily completed and received credit for at least two years high school education in a school approved by the Department or has completed such work as is recognized by the Department as the equivalent of such high school education, is a citizen of the United States or has made a declaration of intention to become a citizen or has filed a petition for naturalization within thirty days after becoming eligible to do so, has established proof of legal practice of barbering in another state, territory, country, or province for at least five (5) years, and has passed an examination in writing and by practical demonstration conducted by the Department to determine his fitness to receive a certificate of registration as a registered barber as specified in Section 13 of this Act. Such examination shall be completed by the applicant himself in the English language.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.

In the event the said applicant fails to pass the required examination he shall show proof to the Department of further study under the direction and supervision of a qualified teacher for a period of not less than 90 days in the subjects in which he failed before being permitted to take another examination. In the event of failure on the second such examination the applicant shall not receive a certifi-

cate of registration as a registered barber under the provision of this Section. He may qualify for such certificate by compliance with the provisions of Sections 8, 10, and 13 of this Act. (As amended by act approved July 23, 1971.)

Sec. 22. [Qualifications for certificate to operate barber school.] No person, firm, or corporation shall own, operate or conduct a barber school or college without a current and valid barber school certificate of registration issued by the Department. The Department may issue such certificate of registration if all of the following requirements are complied with: (a) An application for a barber school certificate shall be made on forms provided by the Department and the applicant shall completely furnish all information required by the application form which application shall be accompanied by a floor plan of the proposed premises, drawn to scale, showing the arrangement of the theory classroom, the demonstration room (if it is not a part of the theory classroom) and the workroom, including the arrangement of the fixtures and equipment, the locations of the toilet facilities and locker rooms of which there shall be 2 in number (one for each sex), the location of every entrance and exit, proof of approval for the use of the proposed premises as a school by the fire prevention authorities, a certified copy of a lease for a minimum period of one year and a certified financial statement sufficient to guarantee operation for one full year.

The minimum width of the workroom shall be fifteen feet if the barber chairs are to be located adjacent to one wall and 20 feet if the barber chairs are to be located adjacent to opposite walls and the space occupied by the barber chairs shall not exceed 75% of the total workroom space, the balance to be reserved for coat racks, waiting chairs or benches, counters and/or cash register stand, tonic

stands, etc., and the centers of the barber chairs shall not be less than 5 feet apart.

The minimum equipment in the workroom shall be 20 barber chairs, each complete with footrest and headrest, one cabinet for clean linen for each barber chair, one cabinet for soiled linen for each barber chair, one airtight disinfection cabinet for each barber chair, one wet sterilizer for each barber chair, one shampoo basin complete with shampoo spray for each 4 barber chairs, one electric vibrator for each 5 barber chairs, one infra-red ray lamp for each 10 chairs, one ultra-violet ray lamp for each 10 barber chairs, and one scalp-treatment high frequency electricity apparatus for each 10 barber chairs; (b) The incorporated municipality in which the proposed barber school is to be located is large enough to support the proposed barber school to the degree that the students who might be enrolled in such proposed barber school would be assured of sufficient practice to enable them to become competent workmen. Such incorporated municipality is large enough to support a barber school if the number of barber chairs in the proposed barber school together with those in any other existing barber school in such incorporated municipality does not exceed the ratio of one barber chair for each 4,000 people in the incorporated municipality as determined by the last federal census; (c) The applicant school shall have a teaching staff adequate to teach the number of students contemplated to be enrolled in such school consisting of instructors who are the holders of valid and current certificates of registration as barber teachers, such staff is adequate only if the ratio of students to teachers does not exceed 25 students for each practical or registered barber teacher; (d) A barber teacher shall be a person of good moral character and temperate habits, a graduate of an accredited high school or secon-

dary school or has completed an equivalent course of study, has been a practicing registered barber in the State of Illinois for a period of not less than 5 years immediately preceding his application for a certificate of registration as a barber teacher, has by practical demonstration and by written examination, established to the satisfaction of the Department that he is capable of teaching the courses of instruction outlined in the curriculum for barber schools in paragraph (e) below and is the holder of a valid and current certificate of registration as a barber teacher; (e) whose curriculum includes each of the following subjects: the preparation and care of barber implements, the art of hair-cutting, shaving, beard trimming and shampooing, facial and scalp massaging and treatment either by hand or mechanical appliances, hair dyeing and tinting, barber anatomy, physiology, bacteriology, the general practice of sanitation as prescribed by the Department for use in all barber shops, barber history, Illinois barber law, pharmacology, electricity and light rays, and a course dealing with the common diseases of the skin and methods to avoid the aggravation and spreading thereof in the practice of barbering; (f) who displays a sign visible to the public on the front of said barber school or college with letters not less than ten inches in height, reading as follows: "Barber School" or "Barber College" and a sign reading "All Work Done Exclusively by Students"; (g) who permits no one to engage in any of the acts included in the practice of barbering upon the premises of the school except a member of the regular teaching staff who engages in such acts for purposes of instruction only and does not independently operate a barber chair, a student barber regularly enrolled in such school, or a holder of a certificate of registration as an apprentice barber who has completed 2 years

of training as an apprentice barber and who contemplates taking the examination to determine his fitness to receive a certificate of registration as a registered barber within 3 months and who is regularly enrolled in such school as a post-graduate; (h) who pays the fee for a certificate of registration required by this Act; (i) who complies with each and every other rule and regulation of the Department pertaining to barber schools and colleges.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration.

Upon receipt of the application and supporting documents required under paragraph (a) above, the barber committee shall inspect the proposed premises of the applicant school and preliminary approval shall be recommended by the Committee if the proposed premises together with the application, plans and other documents required under paragraphs (a), (b), and (c), above meet the requirements hereinabove named. No installation of equipment, fixtures, etc., shall be commenced by the applicant school at its proposed premises until such preliminary approval is granted by the Department.

A second inspection by the Committee shall be made at the request of the applicant school and in this second inspection the Committee shall recommend final approval of the physical plant and the teaching staff if the minimum requirements set forth hereinabove have been met. Upon receipt of a favorable recommendation based on the second inspection by the Committee, conditional approval shall be given for a period of one year. Upon satisfactory completion of the one year probationary period, full approval shall be granted by the Department. (As amended by act approved July 23, 1971.)

Sec. 22a. [Certificate to teach barbering—Renewal—Expiration—Persons in armed forces.] Every holder of a certificate of registration to teach barbering, who continues in active practice, shall annually on or before the first day of July of each year renew his certificate of registration and pay the required renewal fee. The application for renewal shall be accompanied by a report, which complies with Section 22b of this Act, showing that such applicant is free of active tuberculosis. Every certificate of registration which has not been renewed during the month of July in any year shall expire on the first day of August of that year. A registered practical or theory barber teacher whose certificate of registration has expired may have it restored immediately upon payment of the lapsed renewal and restoration fees: Provided, that not more than 3 years have elapsed since the date of expiration. A registered practical or theory barber teacher whose certificate of registration has expired for more than 3 years may have it restored only by passing a practical and written examination as outlined in paragraph (d) of Section 22 of this Act conducted by the Department to determine his fitness for the restoration of such certificate of registration as a practical or theory barber teacher and by paying the required examination and restoration fees. However, any registered teacher of barbering whose certificate of registration has expired while he was engaged (1) in federal service on active duty with the armed forces of the United States, including the United States Merchant Marine, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored or reinstated without paying any fees or passing any examination, if within 2 years after termination of such service, training or educa-

tion, other than by dishonorable discharge, he furnishes the Department with an affidavit to the effect that he was so engaged and that his service, training or education was so terminated. (As amended by act approved July 20, 1967.)

Sec. 22b. [Certificate of freedom from active tuberculosis.] Every application for a certificate of registration as a student barber, apprentice barber, or registered barber, or for renewal of any such certificate of registration, and every application for a certificate of registration to teach barbering, or renewal thereof, shall be accompanied by a report showing that such applicant is free from active tuberculosis. This report may be in either of the following forms:

(a) A certificate upon a form furnished by the Department of Registration and Education, and approved by the Department of Public Health, executed by a physician licensed to practice medicine in all of its branches in Illinois, certifying such person to be free of tuberculosis in a communicable form and which certificate shall be based upon and refer to a chest X-ray or negative tuberculin test made within one year prior to the date that such certificate is presented to the Department of Registration and Education; or

(b) A written or printed notification that a chest X-ray or tuberculin test has been administered to such person by a public health facility, approved by the Department of Public Health, within one year prior to presentation of such notification to the Department of Registration and Education. Such notification should state that the chest X-ray or tuberculin test administered to such person was "essentially negative". (Added by act approved July 20, 1967.)

Sec. 23. [Recognized barber schools or colleges—Branches prohibited.] A recognized school or college of barbering, as used in this Act shall be one which has been deemed reputable and in good standing by the Department and for which a certificate of registration has been issued to the person, firm or corporation owning, operating or conducting such barber school or college. It is unlawful to operate or conduct more than one barber school or college under one certificate of registration. Branch barber schools or colleges are prohibited.

Sec. 23a. [Certificate of owner or operator of barber school—Renewal—Expiration.] Every holder of a certificate of registration to own, operate or conduct a barber school or college shall annually on or before the first day of July of each year renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of July in any year shall expire on the first day of August of that year. (Added by act approved July 15, 1963.)

Sec. 24. [Sanitary conditions in barber shops and schools.] The Department is authorized to adopt reasonable rules providing for the sanitary regulation of barber shops and barber schools or colleges and has the power to enter any barber shop, school or college during business hours for the purpose of inspection. If any barber shop, barber school or college is found in an unsanitary condition or if any barber working therein has imparted or contracted any infectious or contagious disease, the Department shall immediately notify the local health authority in the community in which such shop, school or college is located and such shop, school or college shall thereupon be quarantined and no barbering shall be practiced or taught therein until such quarantine is removed by the health authority

upon the correction or elimination of the condition which caused such quarantine.

Sec. 25. [Rules to be observed.] In addition to the rules adopted by the Department for the sanitary regulation of barber shops and barber schools or colleges the rules set forth in sections 26 to 45, each inclusive, shall be observed.

Sec. 26. [Building or room—cleanliness.] Every barber shop and every barber school or college or any other place where barbering is practiced or taught shall be located in a building or room of such construction that may be easily cleaned.

Sec. 27. [Location in building frequented by immoral persons prohibited.] The location of a barber shop and barber school or college in a building occupied or frequented by persons of immoral character is prohibited.

Sec. 28. [Lighting, ventilation and cleanliness.] Every barber shop and barber school or college or any other place where barbering is practiced or taught shall be well lighted, well ventilated and the floors, walls, furniture and fixtures must be kept in a clean, orderly and sanitary condition at all times.

Sec. 29. [Separation of barber shops from other lines of business.] All barber shops must be located in rooms separate from other lines of business except that manicuring, shoe shining, and the sale of tobacco, periodicals and newspapers may be conducted in conjunction with the barber shop. Where any other line of business is conducted in the same store or room, the portion in which barbering is practiced shall be separated from the portion in which such other line of business is conducted by a solid wall.

Sec. 30. [Separation of barber shop from residential portion of building.] Where a barber shop is located in a room, store or building used for residential purposes, the portion in which barbering is practiced shall be separated from the residential portion by a solid wall.

Sec. 31. [Water supply—Cleaning of receptacles.] All barber shops and barber schools or colleges or any place where barbering is practiced or taught located in cities or villages having a water system are required to connect with the water system and supply hot and cold running water in such quantities as may be necessary to operate in a sanitary manner. All bowls, basins, jars, and like receptacles shall be antiseptically cleansed immediately after using.

Sec. 32. [Water tanks where there is no water system.] All barber shops, or any other place where barbering is practiced not located in cities or villages having a water system, shall supply hot and cold water under pressure in tanks to hold not less than five gallons each equipped with a spigot in each one. Each tank shall contain an opening at the top not to exceed three inches in diameter. The tanks shall be placed directly over a lavatory so constructed that it may be kept clean and sanitary. The lavatory shall have a drain pipe to drain all waste water out of the building.

Sec. 33. [Styptic, alum, sponges or powder puffs, use of.] The use of lump alum, styptic pencils, sponges or powder puffs is prohibited. The use of styptic, alum in powder or liquid form and individual applicators is permitted.

Sec. 34. [Labels on jars, etc.—Closing.] All jars and bottles shall be securely closed and labeled.

Sec. 35. [Cosmetics—Containers.] All creams,

lotions, and other cosmetics used for patrons shall be kept in clean closed containers.

Sec. 36. [Dipping of creams, etc. from containers.] Creams and other semi-solid substances shall be dipped from the container with a sterile article or spatula. Removing such substances with the fingers is prohibited.

Sec. 37. [Implements, instruments and appliances—Sterilization.] All implements, instruments and appliances used by barbers in performing barber services shall be thoroughly disinfected after having been used on a patron. Thereafter all such implements, instruments and appliances, shall be placed in a sterilization cabinet containing the fumes of formaldehyde and shall remain there until their reuse. (As amended by act approved August 3, 1965.)

Sec. 38. [Razors—Disinfection.] All razors, after having been stropped and before being placed on the skin of a patron, shall be dipped into a disinfectant solution. (As amended by act approved August 3, 1965.)

Sec. 39. [Smoking stands—cupidors.] All barber shops and barber schools or colleges shall be provided with smoking stands, ash trays, or sand jars and shall be cleaned daily and kept in a sanitary condition at all times. Liquid cupidors are prohibited.

Sec. 40. [Sleeping rooms in barber shop or school forbidden.] No barber shop, barber school or college or other place where barbering is practiced or taught shall be used as a sleeping room or dormitory.

Sec. 41. [Hands, cleansing of.] Every barber and every person engaged in a barber school or college shall thoroughly cleanse his hands immediately before and after serving each patron.

Sec. 42. [Towels and wash cloths.] Only unused freshly laundered towels including dry towels, steam towels and wash cloths shall be used for each patron. All clean towels shall be kept in a closed cabinet until used. The headrest shall be covered with a freshly laundered towel or fresh paper for each patron. In cutting the hair of any patron a newly laundered towel or a fresh paper neck strip shall be placed around the neck to prevent the haircloth from touching the skin. When shampooing the hair of any patron a newly laundered towel shall be placed around the neck to prevent the haircloth or rubber apron from touching the skin.

Sec. 43. [Infectious or contagious diseases, persons with.] No barber having an infectious or contagious disease shall be permitted to work in a barber shop and no owner or manager of a barber school or college shall permit any person suffering from a communicable disease or from any venereal disease in a communicable form to be employed nor shall any service be performed on any person known to have an infectious or contagious disease.

Sec. 44. [Clothing of students and teachers.] Students and teachers shall be attired in clean washable cover-all outer garments, preferably white coats while working on patrons.

Sec. 45. [Schools to display certificates.] All barber schools or colleges and instructors and students therein must conspicuously display their certificates of registration.

Sec. 46. [Refusal to renew or suspension or revocation of certificate—Causes—Insanity.] The Department may refuse to renew, may suspend or may revoke any certificate of registration for any one or combination of the following causes: (a) conviction in this or another State of any crime which is a felony under the laws

of this State or conviction of a felony in a federal court, if the Department determines, after investigation that such person has not been sufficiently rehabilitated to warrant the public trust, (b) habitual drunkenness for 6 months immediately before a charge duly made, (c) excessive use of or addiction to the use of narcotics, (d) gross incompetence, (e) failure to comply with the provisions of this Act or the rules and regulations of the Department, (f) having imparted any infectious or contagious disease or having contracted such disease and not having been cured thereof, (g) affliction with any physical or mental ailment, illness or impairment which renders the person so registered incompetent or a danger to the public, (h) lack of good moral character, (i) the obtaining of or an attempt to obtain a certificate of registration for himself or another by fraudulent misrepresentation, (j) professional connection or association with any person holding himself out in a manner contrary to this Act, (k) failure of a registered barber to certify the length of service of a registered apprentice barber while serving under his personal supervision, (l) permitting a person who is not the holder of a valid and current certificate of registration as a barber student to attend a barber school or college recognized by the Department, (m) permitting a person who is not the holder of a valid and current certificate of registration as a practical barber teacher or as a registered barber teacher to teach practical barbering, (n) permitting a person who is not the holder of a certificate of registration as a theory barber teacher or as a registered barber teacher to teach barber theory, (o) permitting a person who is not the holder of a valid and current certificate of registration as an apprentice barber to act as an apprentice barber, (p) permitting an apprentice barber to serve as such except in the physical presence of the

registered barber under whose supervision he so serves, (q) aiding, abetting or conspiring with any person to violate any of the provisions of this Act.

The entry of a decree by any circuit court establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of that certificate of registration. That person may resume his practice only upon a finding by the Committee that he has been declared restored to sanity by a circuit court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. (As amended by act approved July 23, 1971.)

Sec. 47. [Notice and hearing on revocation or refusal to issue certificate.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten days prior to the date set for the hearing, notify in writing the applicant or holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Barber Committee shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testi-

mony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Barber Committee may continue such hearing from time to time. If the Barber Committee shall not be sitting at the time and place to which hearing is continued, the Department shall continue such hearing for a period not to exceed thirty days.

Sec. 48. [Subpoenas—Depositions—Administering oaths.] The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Barber Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.

Sec. 49. [Witnesses and books—Orders.] Any circuit court or any judge thereof, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of a certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved August 24, 1965.)

Sec. 50. [Stenographer at hearing—Record of proceedings—Transcript.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended.

The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy.

Sec. 51. [Report of Barber Committee—Rehearing.] The Barber Committee shall present to the Director a written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail. Within twenty days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Sec. 52. [Rehearing—Surrender of certificate.] Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing, the Director shall have the right to take the action recommended by the Committee. Upon the suspension or revocation of his certificate of registration, a registrant shall be required to surrender his certificate of regis-

tration to the Department, and upon his failure or refusal so to do, the Department has the right to seize the same.

Sec. 53. [Restoration of certificate.] At any time after the suspension or revocation of any certificate, the Department may restore it without examination upon application for restoration showing discovery of new evidence or other cause why the certificate should be restored and the written recommendation of the Barber Committee.

Sec. 54. [Review of administrative decisions.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if such party is not resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in Court shall be grounds for dismissal of the action. (As amended by act approved July 23, 1971.)

Sec. 55. [Prima facie proof of order of revocation or suspension.] An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof: (1) that such signature is the genuine signature of the Director; (2) that such Director is duly appointed and qualified; (3) that the Committee and the members thereof are qualified to act. Such proof may be rebutted. (As amended by act approved July 30, 1949.)

Sec. 56. Repealed by act approved August 24, 1965.

Sec. 57. [Fees.] The Department shall charge and collect the following fees:

(1) For examination to determine preliminary education, \$5.

(2) For a certificate of registration as a student barber, \$5.

(3) For renewal of a certificate of registration as a student barber, \$3.

(4) For extension of the expiration date of a certificate of registration as a student barber, \$3.

(5) For application for registration as a registered apprentice barber, \$10.

(6) For extension of the expiration date of a certificate of registration as an apprentice barber, \$3.

(7) For renewal of a certificate of registration as an apprentice barber, \$3.

(8) For second examination and subsequent examination to determine fitness to receive a certificate of registration as an apprentice barber, \$5.

(9) For application for registration as a registered barber, \$20.

(10) For second examination and subsequent examination to determine fitness to

receive a certificate of registration as a registered barber, \$10.

(11) For renewal of a certificate of registration as a registered barber, \$5.

(12) For reinstatement of an expired certificate of registration as a registered barber which has not expired for more than five years, \$10.00 plus all lapsed renewal fees.

(13) For restoration of an expired certificate of registration as a registered barber which has expired for more than five years, \$35.

(14) For application for registration as a registered barber where applicant has qualified by practice in another state, territory, country or province, \$25.00.

(15) For issuance of a duplicate certificate where the original has been lost or destroyed, \$5.

(16) For application for change of name and issuance of a certificate of registration thereon, \$5.

(17) For certified statement that a registrant is a registered barber in this State, \$5.

(18) For certificate of registration to own, operate or conduct a barber school or college, \$250.

(19) For renewal of a certificate of registration to own, operate or conduct a barber school or college, \$50.

(20) For application for examination to determine fitness to teach theory and practical barbering, \$20.

(21) For renewal of a certificate to teach barbering, \$5.

(22) For reinstatement of an expired certificate of registration to teach barbering which has not expired for more than 3 years, \$10 plus all lapsed renewal fees. (As amended by act approved July 15, 1963.)

Sec. 58. [Acts constituting nuisance or misdemeanor—Penalty.] (a) Each of the following practices is hereby declared to be inimical to the public welfare and to constitute a public nuisance:

(1) To practice or to attempt to practice barbering without a valid and current certificate of registration as a registered barber issued by the Department.

(2) To serve or to attempt to serve as an apprentice barber without a valid and current certificate of registration as an apprentice barber issued by the Department.

(3) To serve or to attempt to serve as an apprentice barber unless the registered barber under whose supervision such apprentice barber so serves is physically present the major part of each working day.

(4) To permit an apprentice barber or any other person not a registered barber to independently operate a barber shop

(5) To operate or to attempt to operate a barber school or college without a valid and current barber school certificate of registration issued by the Department.

(6) To permit a person to attend a barber school or college unless such person is the holder of a valid and current certificate of registration as a student barber issued by the Department.

(7) To attend a barber school or college without a valid and current certificate of registration as a student barber issued by the Department.

(8) To teach or to attempt to teach practical barbering without a valid and current certificate of registration as a practical barber teacher issued by the Department.

(9) To teach or to attempt to teach barber theory without a valid and current certificate of registration as a theory barber teacher is-

sued by the Department.

(10) To operate or to attempt to operate a barber school or college without an adequate staff of practical and/or theory barber teachers each of whom is the holder of a valid and current certificate of registration to teach the barber subjects he teaches or attempt to teach.

(11) To exceed the ratio of 20 barber students for each practical or registered barber teacher at any time. The Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person from engaging in any of the above named practices; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been engaged in any of the above named practices, may issue a temporary injunction, without notice or bond, enjoining the defendant from further engaging in such practices. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that the defendant has been, or is engaged in any of the above named practices, the court, or any judge thereof, may enter decree perpetually enjoining such defendant from further engaging in such practices. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

(b) Each of the following constitutes a misdemeanor punishable upon conviction by

a fine of not less than \$25 nor more than \$200 for the first offense, and for a second and subsequent offense, a fine of not less than \$50 nor more than \$500 and confinement in the county jail for not more than 6 months:

(1) The practice of barbering or an attempt to practice barbering without a valid and current certificate of registration as a registered barber.

(2) Service as an apprentice barber or an attempt to serve as an apprentice barber without a valid and current certificate of registration as an apprentice barber.

(3) Studying as a student barber or an attempt to study as a student barber without a valid and current certificate of registration as a student barber.

(4) Employment of any person to serve as an apprentice barber unless the person so employed is registered as an apprentice barber.

(5) Obtaining or an attempt to obtain a certificate of registration by fraudulent misrepresentation.

(6) Wilfully making a false oath or affirmation whenever an oath or affirmation is required by this Act.

(7) Permitting an apprentice barber or any other person not a registered barber to practice independently in a barber shop.

(8) Aiding, abetting or conspiring with any person to violate any of the provisions of this Act.

(9) Permitting a person who is not the holder of a valid and current certificate of registration as a barber student to attend a barber school or college recognized by the Department.

(10) Permitting a person who is not the holder of a valid and current certificate of

registration as a practical barber teacher or as a registered barber teacher to teach practical barbering.

(11) Permitting a person who is not the holder of a certificate of registration as a theory barber teacher or as a registered barber teacher to teach barber theory.

(12) Permitting a registered apprentice barber to serve as such except in the physical presence of the registered barber under whose supervision he so serves.

(13) Violation of any of the provisions of this Act. (As amended by act approved August 3, 1965.)

Sec. 59. [Existing certificates—Renewal.] The holder of or any person entitled to renewal of a certificate of registration heretofore issued under the laws of this State shall be entitled, under the provisions of this Act, upon payment of a renewal fee, to such renewal: Provided, that application therefor is made on or before July 31, 1948. Until such date, the certificate of registration heretofore issued shall serve the same purpose and entitle the holder thereof to the same rights and privileges as a certificate of registration issued under the provisions of this Act.

Sec. 60. [Partial invalidity.] If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph or part of this Act, such judgment or decree shall not affect, impair invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph or part of this Act so adjudged to be invalid or unconstitutional.

Sec. 61. [Repeal of laws—Effect.] The repeal of a law by this Act shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of such law,

prior to the repeal thereof.

Sec. 62. [Powers of municipalities as affected by Act.] Nothing contained in this Act shall be construed so as to limit or repeal any power of municipalities to license, tax, or regulate barbers or barber shops.



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The Illinois Beauty Culture Act

Ill. Rev. Stat. 1967 Chap. 16¾ Sec. 15 to 32

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WILLIAM H. ROBINSON, Director

SPRINGFIELD, ILLINOIS 62786

1972

(Printed by Authority of the State of Illinois)



(42197—20M—7-72)

BEAUTY CULTURE

Act of June 30, 1925.

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BEAUTY CULTURE

AN ACT relating to the practice of beauty culture. [Approved June 30, 1925.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Prohibited acts.] It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist, issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturists without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (As amended by act approved July 15, 1963.)

Sec. 2. [Practice defined.] Any one or any combination of the following practices constitutes the practice of beauty culture when done for

cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois" approved June 10, 1909, as amended.

Sec. 2a. A beauty culture shop may employ one non-licensed person to serve as a shampoo assistant. The maximum number of shampoo assistants allowed any shop is one shampoo assistant for every shop and an additional shampoo assistant for every 3 licensed beautician in excess of one. A person employed as a shampoo assistant may cleanse hair and perform such other functions as are necessary for the operation of a beauty culture shop which do not constitute the practice of beauty culture as defined in Section 2 of this Act. In no event may a person employed as a shampoo assistant apply tints, bleaches, permanent solution, neutralizer or other foreign substances which cause a chem-

ical reaction to the hair.

The owner of a beauty culture shop will remain strictly liable for the actions of all non-licensed persons employed as shampoo assistants which occur within the course of employment. (Added by act approved December 1, 1971.)

Sec. 3. [Apprentices — Regulations.] No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by act approved July 24, 1945.)

Sec. 4. [Exceptions to Act.] The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologist, from which the general public is excluded. (As amended by act approved July 11, 1955.)

Sec. 4a. [Powers and duties of department.] The

Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities. The Department may conduct examinations in English or, may in its discretion conduct such examinations in Spanish if requested to do so by an applicant who gives sufficient notice of his request prior to the date of the examination. (As amended by Act approved September 10, 1971.)

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (As amended by act approved July 15, 1963.)

Sec. 5. [Certificate of registration—Qualifications.]

A person is qualified to receive a certificate of registration as a registered beauty culturist:

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and
- (d) Who has either studied beauty culture for 18 months and not less than 2625 hours as a registered apprentice under a beauty culturist registered under the laws of this State or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and education unless it has a minimum requirement of a course of study consisting of not less than 1,500 hours extending over a period of not less than 9 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of

the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration. (As amended by Act approved July 23, 1971.)

Sec. 5a. Repealed by act approved July 24, 1945.

Sec. 5b. [Requisites for ownership or operation of school.] No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Registration and Education and complying with the following:

1. Present to the Department for approval
(a) A floor plan drawing according to a given scale, showing every detail of the proposed school, (b) A commitment for a lease for the

location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary and final inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that the owner possesses sufficient liquid assets to meet the prospective expenses of such school for a period of three months. In the discretion of the Department additional proof of financial ability may be required. (As amended by Act approved July 28, 1971.)

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by act approved July 15, 1963.)

Sec. 5c. [Operation of beauty culture shop—Certificate of registration—Standards—Approval of shops—Revocation of certificate.] No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be

renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violations of any of the foregoing provisions or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by act approved July 15, 1963.)

Sec. 6. [Apprentices—Qualifications.] A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; such beauty culturist must have a high school education, or the equivalent thereof, be at least 21 years of age and maintain a complete library similar to those required to be kept by registered beauty culture schools; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration. (As amended by Act approved July 23, 1971.)

Sec. 7. [Applications.] Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall

contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. [Examination of applicants.] The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved July 15, 1963.)

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

Sec. 9. [Issuance of certificate.] Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the

case may be. (As amended by act approved July 24, 1945.)

Sec. 10. [Certificate of registration, display of.] Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business, or employment and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. [Certificate — Renewal — Expiration — Examination — Reexamination — Persons in military or naval service.] Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by

payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the appli-

cant has spent at least 250 hours in the study of beauty culture not including the practical application; provided that nothing herein contained shall operate to prevent a registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not be granted a certificate as registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from such school. Such applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (As amended by act approved July 15, 1963.)

Sec. 12. [Refusal, suspension and revocation of certificates—Causes.] The Department of Registration and Education may refuse to renew, may sus-

pend or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(b) Conviction of any of the misdemeanors listed in Section 16;

(c) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(d) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(e) Gross malpractice or gross incompetency;

(f) Continued practice by a person knowingly having an infectious or contagious disease;

(g) Advertising by means of knowingly false or deceptive statements;

(h) Violating any of the sanitary regulations as provided in this Act;

(i) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(j) Immoral or unprofessional conduct;

(k) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist

or registered apprentice.

The Department may suspend the certificate of registration of a beauty culture shop for a period of one year upon a showing that non-licensed persons employed as shampoo assistants at that shop have on at least 3 occasions within a period of one year performed duties which are beyond the scope of the privilege given them in Section 2a of this Act. (As amended by Act approved December 1, 1971.)

Sec. 12.1. [Refusal, suspension and revocation of certificates — Investigations — Notice and hearing.]

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as set forth in Section 12, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least 10 days prior to the date set for the hearing, notify in writing the applicant or the holder of that certificate of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by the delivery of the notice personally to the accused person, or by mailing the notice by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the

accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue a hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for not more than 30 days. (Added by act approved May 4, 1967.)

Sec. 12.2. [Suspension or revocation of certificates — Stamping — Persons in need of mental treatment — Resumption of practice.] Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp that certificate of registration with the words “suspended” or “revoked”, as the case may be, together with the date of the suspension or revocation.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person in need of mental treatment operates as a suspension of that certificate of registration. That person may resume his practice only upon a finding by the Beauty Culture Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. (Added by act approved May 4, 1967.)

Sec. 12a. [Department may take testimony — Oaths.] The Department shall have power to subpoena and bring before it any person in this State and

to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by act approved July 10, 1935.)

A certificate of registration for a school of beauty culture may be suspended or revoked by the Department for any one or combination of the following causes:

(1) A finding by the Board that any of the principals in the operation of a school of beauty culture or teachers in a school of beauty culture are found to be in violation of Section 12 of this Act.

(2) A finding by the Board that the school after approval by the Department has failed to continue to meet the requirements of Section 5b of this Act. (As amended by Act approved July 28, 1971.)

Sec. 12b. [Attendance of witnesses and production of documents.] Any circuit court or any judge thereof, upon the application of the accused person or complaint or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for a refusal, recall, suspension or revocation of certificates of registration,

and the court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Aug. 24, 1965.)

Sec. 12c. [Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefore of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy. (As amended by Act approved July 23, 1971.)

Sec. 12d. [Report of committee—Rehearing.] The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for rehearing, which written motion shall specify the particular grounds therefor. If said ac-

cused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by act approved July 10, 1935.)

Sec. 12e. [Restoration of certificate.] At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by act approved July 10, 1935.)

Sec. 12f. [Judicial review.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Such proceedings for judicial review shall be

commenced in the circuit court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in Court shall be grounds for dismissal of the action. (As amended by Act approved July 23, 1971.)

Sec. 12g. [Order prima facie evidence.] An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (As amended by act approved July 30, 1949.)

Sec. 12h. Repealed by act approved Aug. 24, 1965.

Sec. 12i. Repealed by act approved July 30, 1949.

Sec. 13. [Beauty culturists registered elsewhere.]

Upon payment of the required fee, an applicant who is a beauty culturists registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were at the date of the license, substantially equivalent to the requirements then in force in this State.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration. (As amended by Act approved July 23, 1971.)

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. [Fees.] The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is \$20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is \$5.

The fee is to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is \$3.

The fee to be paid by an applicant to determine his preliminary education is \$5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is \$30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is \$5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is \$5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is \$50.

The fee to be paid for a second and subsequent examinations for registration as a registered beauty culturist is \$10.

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is \$5.

The fee to be paid by an applicant for an orig-

inal certificate of registration to own, operate or conduct a school or college of beauty culture is \$100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is \$20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is \$50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is \$5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only

which has expired for more than 5 years is \$50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is \$5 plus all lapsed renewal fees. (As amended by act approved July 15, 1963.)

Sec. 15. Repealed by Act approved July 10, 1935.

Sec. 15a. [Practice without certificate or after suspension or revocation thereof.] The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not

been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by act approved July 10, 1953.)

Sec. 16. [Penalties.] Whoever violates any of the following shall, for the first offense, be fined not less than \$100 nor more than \$500; for the second offense, be fined not less than \$500 nor more than \$1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist:

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as

an apprentice under a registered beauty culturist without a certificate of registration as an apprentice:

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice:

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation:

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation:

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act:

(g) The violation of the provisions of Section 10 of this Act.

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education.

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently.

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act.

(k) If a fine is collected, one-half of the fine

so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (As amended by act approved July 24, 1951.)

Sec. 17. [Records.] The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

Sec. 17a. Repealed by act approved July 24, 1945.

Sec. 18. [Title of Act.] This Act may be known and cited as "The Illinois Beauty Culture Act."

APPENDIX
SANITARY RULES FOR
BEAUTY CULTURE SHOPS

- A. All persons practicing beauty culture as defined must provide quarters that have been either designed or altered to accommodate these services, equipped to give adequate service to patrons and subject to inspection by the constituted authorities.
- B. The use of the beauty culture shop as living quarters is prohibited. If a beauty culture shop is located in a private residence or in connection with some business, a separate room and an adequate entrance must be provided for the beauty culture shop.
- C. The location of a beauty culture shop in a building occupied or frequented by persons of an immoral character is prohibited. The use of a beauty culture shop for immoral purposes shall be sufficient cause for automatic revocation of certificate of registration.
- D. Floors, walls, furniture and other fixtures must be kept clean at all times. All basins, containers, etc. must be sanitized immediately after using.
- E. Every owner of a beauty culture shop must provide an adequate supply of hot and cold water in such quantities as may be necessary to conduct said beauty culture shop in a sanitary manner.
- F. No owner or manager of a beauty culture shop shall knowingly permit any person suffering from a communicable disease, or

from any venereal disease in a communicable form, to work in said beauty culture shop.

- G. Male and female beauticians must wear clean professional, washable uniforms at all times.
- H. Clean towels shall be stored in a sanitary manner. Persons employed in a beauty culture shop shall use separate and clean towels for each patron. After a towel has been used once, it must be discarded in a separate container until properly laundered.
- I. The head rest of any facial chair shall be covered in a sanitary manner and changed after each patron.
- J. Combs and brushes must be cleansed thoroughly after each using, with soap and hot water, and immersed in an approved germicidal solution for the required time as per manufacturers instructions, removed and rinsed in hot water, dried and placed in a closed container.
- K. Glass or metal articles which cannot be boiled must be cleansed in soap and water, wiped in a 70% alcohol solution and kept in a closed container.
- L. No employee of any beauty culture shop shall massage any person when the surface to be massaged is inflamed or broken out, or contains pus.
- M. Every person engaged in a beauty culture shop must thoroughly cleanse his or her hands immediately before and after serving each patron.
- N. All powders, lotions, creams, and other

cosmetics used for patrons must be kept in clean and closed containers.

- O. Powder must be in shakers or similar receptacles. Open powder boxes must not be used for patrons.
- P. Lotions or fluids must be poured into sterile containers and applied to patron by means of sanitary applicators.
- Q. Creams and other semi-solid substances must be removed from the container with a sterile article or spatula. Removing such substances with the fingers is prohibited.
- R. Cosmetics must be removed by means of absorbent soft paper, or other disposable material.
- S. All persons engaged in a beauty culture shop must display certificate of registration in a conspicuous place, preferably at the station where such person is employed.
- T. No animals or pets shall be kept in or allowed to enter a beauty culture shop.
- U. Violations of any of these rules and regulations shall result in refusal to renew, or in suspension or revocation of registration of said certificate.
- V. Enforcement of the above sanitary rules authorized by law, through local Board of Health.

APPROVED:

June 19, 1964

FRANKLIN YODER, M.D.

Director of Public Health

APPROVED:

June 25, 1964

WILLIAM H. ROBINSON,
Director of Registration
and Education

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The Illinois Beauty Culture Act

Ill. Rev. Stat. 1967 Chap. 16³/₄ Sec. 15 to 32

STATE OF ILLINOIS

DEPARTMENT OF
REGISTRATION AND EDUCATION
DEAN BARRINGER, DIRECTOR

RONALD E. STACKLER, Director
SPRINGFIELD, ILLINOIS 62786

1974

(Printed by Authority of the State of Illinois) 06 10E



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OF ILLINOIS
J. J. JORDANA-CHAMPAIGN

BEAUTY CULTURE

Act of June 30, 1925.

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BEAUTY CULTURE

AN ACT relating to the practice of beauty culture. [Approved June 30, 1925.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Prohibited acts.] It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist, issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturists without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (As amended by act approved July 15, 1963.)

Sec. 2. [Practice defined.] Any one or any combination of the following practices constitutes the practice of beauty culture when done for

cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois" approved June 10, 1909, as amended.

Sec. 2a. A beauty culture shop may employ one non-licensed person to serve as a shampoo assistant. The maximum number of shampoo assistants allowed any shop is one shampoo assistant for every shop and an additional shampoo assistant for every 3 licensed beautician in excess of one. A person employed as a shampoo assistant may cleanse hair and perform such other functions as are necessary for the operation of a beauty culture shop which do not constitute the practice of beauty culture as defined in Section 2 of this Act. In no event may a person employed as a shampoo assistant apply tints, bleaches, permanent solution, neutralizer or other foreign substances which cause a chem-

ical reaction to the hair.

The owner of a beauty culture shop will remain strictly liable for the actions of all non-licensed persons employed as shampoo assistants which occur within the course of employment. (Added by act approved December 1, 1971.)

Sec. 3. [Apprentices — Regulations.] No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by act approved July 24, 1945.)

Sec. 4. [Exceptions to Act.] The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologist, from which the general public is excluded. (As amended by act approved July 11, 1955.)

Sec. 4a. [Powers and duties of department.] The

Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities. The Department may conduct examinations in English or, may in its discretion conduct such examinations in Spanish if requested to do so by an applicant who gives sufficient notice of his request prior to the date of the examination. (As amended by Act approved September 10, 1971.)

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Seven practical beauty culturists, no more than 2 to be graduates of the same school, each of whom has been for the last 5 years preceding his appointment engaged in the occupation of beauty culture in this state, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners.

There is created in the Department the Beauty Culture Advisory Board appointed by the Directors consisting of 9 members each of which shall have the same qualifications as the Committee members which board shall advise the Director in all matters relating to beauty culture and make suggestions concerning the administration of this Act.

Sec. 5. [Certificate of registration—Qualifications.]

A person is qualified to receive a certificate of registration as a registered beauty culturist:

- (a) Who is at least 16 years of age; and
- (b) Who is of good moral character and temperate habits; and
- (c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and
- (d) Who has either studied beauty culture for 18 months and not less than 2625 hours as a registered apprentice under a beauty culturist registered under the laws of this State or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and education unless it has a minimum requirement of a course of study consisting of not less than 1,500 hours extending over a period of not less than 9 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of

the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration. (As amended by Act approved July 23, 1971.)

Sec. 5a. Repealed by act approved July 24, 1945.

Sec. 5b. [Requisites for ownership or operation of school.] No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Registration and Education and complying with the following:

1. Present to the Department for approval
 - (a) A floor plan drawing according to a given scale, showing every detail of the proposed school,
 - (b) A commitment for a lease for the

location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary and final inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that the owner possesses sufficient liquid assets to meet the prospective expenses of such school for a period of three months. In the discretion of the Department additional proof of financial ability may be required. (As amended by Act approved July 28, 1971.)

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by act approved July 15, 1963.)

Sec. 5c. [Operation of beauty culture shop—Certificate of registration—Standards—Approval of shops—Revocation of certificate.] No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be

renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violations of any of the foregoing provisions or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by act approved July 15, 1963.)

Sec. 6. [Apprentices—Qualifications.] A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; such beauty culturist must have a high school education, or the equivalent thereof, be at least 21 years of age and maintain a complete library similar to those required to be kept by registered beauty culture schools; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (As amended by act approved Aug. 5, 1965. Effective Aug. 1, 1966.)

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration. (As amended by Act approved July 23, 1971.)

Sec. 7. [Applications.] Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall

contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. [Examination of applicants.] The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved July 15, 1963.)

If an applicant neglects, fails or refuses to take an examination for registration under this Act within 3 years after filing his application, the fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

Sec. 9. [Issuance of certificate.] Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the

case may be. (As amended by act approved July 24, 1945.)

Sec. 10. [Certificate of registration, display of.] Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business, or employment and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. [Certificate — Renewal — Expiration — Examination — Reexamination — Persons in military or naval service.] Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by

payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the appli-

cant has spent at least 250 hours in the study of beauty culture not including the practical application; provided that nothing herein contained shall operate to prevent a registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not be granted a certificate as registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from such school. Such applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (As amended by act approved July 15, 1963.)

Sec. 12. [Refusal, suspension and revocation of certificates—Causes.] The Department of Registration and Education may refuse to renew, may sus-

pend or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(b) Conviction of any of the misdemeanors listed in Section 16;

(c) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(d) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(e) Gross malpractice or gross incompetency;

(f) Continued practice by a person knowingly having an infectious or contagious disease;

(g) Advertising by means of knowingly false or deceptive statements;

(h) Violating any of the sanitary regulations as provided in this Act;

(i) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(j) Immoral or unprofessional conduct;

(k) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist

or registered apprentice.

The Department may suspend the certificate of registration of a beauty culture shop for a period of one year upon a showing that non-licensed persons employed as shampoo assistants at that shop have on at least 3 occasions within a period of one year performed duties which are beyond the scope of the privilege given them in Section 2a of this Act. (As amended by Act approved December 1, 1971.)

Sec. 12.1. [Refusal, suspension and revocation of certificates — Investigations — Notice and hearing.] The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as set forth in Section 12, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least 10 days prior to the date set for the hearing, notify in writing the applicant or the holder of that certificate of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by the delivery of the notice personally to the accused person, or by mailing the notice by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the

accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue a hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for not more than 30 days. (Added by act approved May 4, 1967.)

Sec. 12.2. [Suspension or revocation of certificates — Stamping — Persons in need of mental treatment — Resumption of practice.] Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp that certificate of registration with the words “suspended” or “revoked”, as the case may be, together with the date of the suspension or revocation.

The entry of a decree by any circuit court establishing that any person holding a certificate of registration under this Act is a person in need of mental treatment operates as a suspension of that certificate of registration. That person may resume his practice only upon a finding by the Beauty Culture Committee that he has been determined to be recovered from mental illness by the court and upon the Committee's recommendation to the Director that he be permitted to resume his practice. (Added by act approved May 4, 1967.)

Sec. 12a. [Department may take testimony — Oaths.] The Department shall have power to subpoena and bring before it any person in this State and

to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by act approved July 10, 1935.)

A certificate of registration for a school of beauty culture may be suspended or revoked by the Department for any one or combination of the following causes:

(1) A finding by the Board that any of the principals in the operation of a school of beauty culture or teachers in a school of beauty culture are found to be in violation of Section 12 of this Act.

(2) A finding by the Board that the school after approval by the Department has failed to continue to meet the requirements of Section 5b of this Act. (As amended by Act approved July 28, 1971.)

Sec. 12b. [Attendance of witnesses and production of documents.] Any circuit court or any judge thereof, upon the application of the accused person or complaint or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for a refusal, recall, suspension or revocation of certificates of registration,

and the court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Aug. 24, 1965.)

Sec. 12c. [Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefore of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy. (As amended by Act approved July 23, 1971.)

Sec. 12d. [Report of committee—Rehearing.] The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for rehearing, which written motion shall specify the particular grounds therefor. If said ac-

cused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by act approved July 10, 1935.)

Sec. 12e. [Restoration of certificate.] At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by act approved July 10, 1935.)

Sec. 12f. [Judicial review.] All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

Such proceedings for judicial review shall be

commenced in the circuit court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in Court shall be grounds for dismissal of the action. (As amended by Act approved July 23, 1971.)

Sec. 12g. [Order prima facie evidence.] An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (As amended by act approved July 30, 1949.)

Sec. 12h. Repealed by act approved Aug. 24, 1965.

Sec. 12i. Repealed by act approved July 30, 1949.

Sec. 13. [Beauty culturists registered elsewhere.]

Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were at the date of the license, substantially equivalent to the requirements then in force in this State.

In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to registration. (As amended by Act approved July 23, 1971.)

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. [Fees.] The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is \$20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is \$5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is \$5.

The fee is to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is \$3.

The fee to be paid by an applicant to determine his preliminary education is \$5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is \$30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is \$5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is \$5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is \$50.

The fee to be paid for a second and subsequent examinations for registration as a registered beauty culturist is \$10.

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is \$5.

The fee to be paid by an applicant for an orig-

inal certificate of registration to own, operate or conduct a school or college of beauty culture is \$100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is \$20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is \$50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is \$10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is \$10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is \$5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is \$5 plus all lapsed renewal fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only

which has expired for more than 5 years is \$50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is \$5 plus all lapsed renewal fees. (As amended by act approved July 15, 1963.)

Sec. 15. Repealed by Act approved July 10, 1935.

Sec. 15a. [Practice without certificate or after suspension or revocation thereof.] The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not

been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by act approved July 10, 1953.)

Sec. 16. [Penalties.] Whoever violates any of the following shall, for the first offense, be fined not less than \$100 nor more than \$500; for the second offense, be fined not less than \$500 nor more than \$1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist:

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as

an apprentice under a registered beauty culturist without a certificate of registration as an apprentice:

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice:

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation:

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation:

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act:

(g) The violation of the provisions of Section 10 of this Act.

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education.

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently.

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act.

(k) If a fine is collected, one-half of the fine

so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (As amended by act approved July 24, 1951.)

Sec. 17. [Records.] The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

Sec. 17a. Repealed by act approved July 24, 1945.

Sec. 18. [Title of Act.] This Act may be known and cited as "The Illinois Beauty Culture Act."

APPENDIX

SANITARY RULES FOR BEAUTY CULTURE SHOPS

- A. A beauty culture shop as utilized in these sanitary rules shall be a place where beauty culture, as defined in the Beauty Culture Act, is practiced.
- B. All persons practicing beauty culture as defined must provide quarters that have been either designed or altered to accommodate these services, equipped to give adequate service to patrons and subject to inspection by the constituted authorities.
- C. The use of the beauty culture shop as living quarters is prohibited.
- D. If a beauty culture shop is located in a private residence, a separate room and an adequate entrance must be provided.
- E. Nothing herein shall prevent a beauty culture shop from engaging in other retail businesses on the premises of the beauty culture shop; provided however, that any item sold must be displayed in an area away from the work area of the shop and any unpackaged item must be separated from the work area: 1. by a partition extending from floor to ceiling or at least eight feet in height, or 2. in a closed display case.
- F. The location of a beauty culture shop in a building occupied or frequented by persons of an immoral character is prohibited. The use of a beauty culture shop for immoral purposes or for the use or

sale of illegal drugs shall be sufficient cause for automatic revocation of certificate of registration.

- G. Floors, walls, furniture and other fixtures must be kept clean at all times. All basins, containers, etc. must be sanitized immediately after using.
- H. No owner or manager of a beauty culture shop shall knowingly permit any person suffering from a communicable disease, or from any venereal disease in a communicable form, to work in said beauty culture shop.
- I. Male and female beauticians must wear clean professional, washable uniforms at all times.
- J. Clean towels shall be stored in a sanitary manner. Persons employed in a beauty culture shop shall use separate and clean towels for each patron. After a towel has been used once, it must be discarded in a separate container until properly laundered.
- K. The head rest of any facial chair shall be covered in a sanitary manner and changed after each patron.
- L. Combs and brushes must be cleansed thoroughly after each using, with soap and hot water, and immersed in an approved germicidal solution for the required time as per manufacturers instructions, removed and rinsed in hot water, dried and placed in a closed container.
- M. Glass or metal articles which cannot be boiled must be cleansed in soap and water, wiped in a 70% alcohol solution and kept in a closed container.

- N. No employee of any beauty culture shop shall massage any person when the surface to be massaged is inflamed or broken out, or contains pus.
- O. Every person engaged in a beauty culture shop must thoroughly cleanse his or her hands immediately before and after serving each patron.
- P. All powders, lotions, creams, and other cosmetics used for patrons must be kept in clean and closed containers.
- Q. Powder must be in shakers or similar receptacles. Open powder boxes must not be used for patrons.
- R. Lotions or fluids must be poured into sterile containers and applied to patron by means of sanitary applicators.
- S. Creams and other semi-solid substances must be removed from the container with a sterile article or spatula. Removing such substances with the fingers is prohibited.
- T. Cosmetics must be removed by means of absorbent soft paper, or other disposable material.
- U. All persons engaged in the practice of beauty culture in a beauty culture shop must display certificate of registration in a conspicuous place, preferable at the station where such person is employed.
- V. No animals or pets shall be kept in or allowed to enter a beauty culture shop.
- W. Violations of any of these rules and regulations shall result in refusal to renew, or in suspension or revocation of registration of said certificate.

- X. Every owner of a beauty culture shop must provide an adequate supply of hot and cold water in such quantities as may be necessary to conduct said beauty culture shop in a sanitary manner.
- Y. Enforcement of the above sanitary rules is authorized by law, through local Board of Health.

